

PATENT

Attorney Docket No. 015280-284100US

DHHS Ref. No E-117-96/1

EXPRESS MAIL NO. EL394876534US

Date of Deposit: December 9, 1999

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Assistant Commissioner for Patents
Washington, D.C. 20231

TOWNSEND and TOWNSEND and CREW LLP

By


Sunil Dutt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Susanna Rybak et al.

Application No. 09/230,195

Filed: 1/20/99

For: VECTORS FOR DELIVERING VIRAL
AND ONCOGENIC INHIBITORS

Examiner: Not Assigned

Art Unit: 5071

TRANSMITTAL LETTER – RESPONSE TO
NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371 IN
THE UNITED STATES
DESIGNATED/ELECTED OFFICE
(DO/EO/US)

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Applicant: Susanna Rybak et al.
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(DO/EO/US) dated August 31, 1999, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration and Power of Attorney
- 2) Petition to Extend Time
- 3) Copy of Notice of Missing Parts

Please charge Deposit Account No 20-1430 for the following fees:

(a) Filing Fee (§1.16(a)) (Large Entity) \$760

(b) Excess Claim Fees (§1.16(b), (c)):

42 - 20 = 22 x \$18 = \$396

2 - 3 = 0 x \$78 = \$

(c) Missing Parts Surcharge \$130

TOTAL FEES TO BE CHARGED \$1,286

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Page 3

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ellen Lauver Weber', with a long horizontal flourish extending to the right.

Ellen Lauver Weber
Reg. No. 32,762

ELW/meg

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|---------------------------------|---------|-----------------------|------------------------------|
| U.S. APPLICATION NO. 08/030,195 | RAYBACK | FIRST NAMED APPLICANT | ATTY. DOCKET NO. 015280-2841 |
|---------------------------------|---------|-----------------------|------------------------------|

5071

PCT/US97/12637
INTERNATIONAL APPLICATION NO.

JONATHAN A QUINE
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

I.A. FILING DATE 7/1/97 PRIORITY DATE 07/22/96

08/31/99

DATE MAILED.

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed _____ and _____.
- ☐ Information Disclosure Statement(s) filed _____ and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☐ Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

John Smith-Riley
Telephone: (703) 305-3619

cc: Heide Davis